

Exhibit No. 2Date 2-21-07Amendments to Senate Bill No. 149 Bill No. SB 144
1st Reading Copy

By Request of Sen. Kim Gillan

For the Senate Public Health, Welfare and Safety Committee

Prepared by Susan Byorth Fox
February 20, 2007 (6:16pm)

1. Title, line 8.

Following: "FACILITY;"**Insert:** "PROVIDING RESIDENT PROTECTIONS;"

2. Page 1, line 18.

Strike: "may"**Insert:** "must"

3. Page 2, line 1.

Strike: "may"**Insert:** "must"

4. Page 2, line 4.

Strike: "must"**Insert:** "may"**Following:** "facility"**Strike:** remainder of line 4**Insert:** "that provides"

5. Page 2, line 12.

Strike: "may"**Insert:** "shall"

6. Page 2, line 15 through line 17.

Following: "(7)"**Strike:** remainder of line 15 through "residents." on line 17

7. Page 3, line 4 through line 5.

Strike: "Compliance" on line 4 through "facilities." on line 5**Insert:** "Secure residential forensic treatment facility --
certification -- accreditation -- oversight -- planning."**Strike:** "be certified by" on line 5

8. Page 3, line 6.

Following: "(a)"**Insert:** "be certified by"

9. Page 3, line 7.

Strike: "and"

10. Page 3, line 8.

Following: "(b)"

Insert: "be certified by"

11. Page 3, line 9.

Following: "facilities"

Insert: "; and

(c) apply for, acquire, and maintain accreditation by the national commission on correctional health care.

(2) All certificates, accreditation reports, and related investigations, reports, and plans must be available for public inspection.

(3) All powers and duties of the mental disabilities board of visitors as provided for in 53-21-104 are in effect for a secure residential forensic treatment facility.

(4) Treatment programming and policy development for the facility must be conducted collaboratively with a stakeholder group that includes the governor's office, the directors and staff of the department of public health and human services and the department of corrections, clinical staff from a state prison or the state hospital, correctional staff, corrections and mental health oversight advisory councils, members with community expertise in mental health care, including mental health providers, consumers, family members, advocacy organizations, and service area authorities, as defined in 53-21-1001, and a criminal defense attorney"

Renumber: subsequent subsection

12. Page 3, line 12.

Following: line 11

Insert: "NEW SECTION. Section 3. Certification of readiness.

Prior to opening a secure residential forensic treatment facility, the office of the governor shall certify to the legislative finance committee that all prerequisites required by [section 2] for opening the facility have been completed, including:

(1) certification by the department of labor and industry and the department of justice as provided in [section 2(1)(a) and (1)(b)]; and

(2) treatment programming and policy development as provided in [section 2(4)]."

Insert: "NEW SECTION. Section 4. Resident protections. A resident in a secure residential forensic treatment facility has:

(1) the right to be served in the least restrictive setting considering both the individual's treatment needs and the security requirements of the facility; and

(2) the rights provided in 53-21-130, 53-21-144 through 53-21-148, 53-21-162, 53-21-163, 53-21-166, and 53-21-189."

Renumber: subsequent sections

13. Page 10, line 11.

Strike: "and 2"

Insert: "through 4"

14. Page 10, line 12.

Strike: "and 2"

Insert: "through 4"

- END -